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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3:21-cr-00287-SI
)	
Plaintiff,)	[PROPOSED] DETENTION ORDER
)	
v.)	
)	
KELVIN BURTON,)	
a/k/a 40 Kal,)	
)	
Defendant.)	

On July 21, 2021, defendant Kelvin Burton (a/k/a 40 Kal) was charged by Indictment with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).

This matter came before the Court on December 21, 2021, for a detention hearing. The defendant was present and represented by Gabriela Bischof. Assistant United States Attorney Andrew Paulson appeared for the government. The government moved for detention, and the defendant opposed. At the hearing, counsel submitted proffers and arguments regarding detention.

Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on the record, the Court finds by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the person as required, and by clear and convincing

1 evidence that no condition or combination of conditions will reasonably assure the safety of any other
2 person or the community. Accordingly, the defendant must be detained pending trial in this matter.

3 The present order supplements the Court's findings and order at the detention hearing and serves
4 as written findings of fact and a statement of reasons as required by Title 18, United States Code,
5 Section 3142(i)(1). As noted on the record, the Court makes the following findings as the bases for its
6 conclusion: (1) the defendant has a history of committing new offenses while under court supervision,
7 including the offense alleged in the indictment in this case and a February 4, 2021 felony conviction for
8 being a felon in possession of a firearm; (2) there is evidence that the defendant committed an armed
9 robbery on December 20, 2019 while wearing a GPS ankle monitor as a condition of his probation from
10 a July 23, 2019 felony conviction for possession of a firearm by a juvenile ward of the state under 30
11 years old; (3) while on probation, the defendant fled from San Francisco Police Department officers on
12 December 9, 2020 before ultimately being apprehended at gunpoint after crashing his vehicle and
13 fleeing on foot; (4) the defendant misled his California probation officer in late July 2021 when the
14 defendant told the officer that he was travelling to Lake Tahoe and staying in California, but he instead
15 travelled to Cleveland, Ohio; (5) when the defendant was apprehended on August 13, 2021 in Cleveland,
16 Ohio pursuant to the arrest warrant issued in this case, officers witnessed someone in the apartment
17 where the defendant was staying throw firearms out the window and into Lake Erie; and (6) as noted in
18 the Pretrial Services Report, the defendant has at least nine prior firearms or weapons related offenses,
19 including the two felony convictions discussed above. This finding is made without prejudice to the
20 defendant's right to seek review of defendant's detention, or file a motion for reconsideration if
21 circumstances warrant it.

22 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

23 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
24 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving
25 sentences or being held in custody pending appeal;

26 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
27 and

28 3. On order of a court of the United States or on request of an attorney for the government,

1 the person in charge of the corrections facility in which the defendant is confined shall deliver the
2 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
3 court proceeding.

4 IT IS SO ORDERED.

5
6 DATED: December 21, 2021


HONORABLE JOSEPH C. SPERO
United States Chief Magistrate Judge